



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 8, 2013

By ECF

The Honorable Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Xia Ping Wen, 12 Cr. 938 (SHS)

Dear Judge Stein:

We write in response to the letter of John M. Rodriguez, Esq., dated September 16, 2013, concerning his recent arrest and prosecution in Tompkins County, New York, near Ithaca. Since receiving the letter, we received a copy of the incident report from the Tompkins County prosecutor's office. It is alleged that, on March 8, 2013, Mr. Rodriguez passed himself off as an Albany County Assistant District Attorney to interview a juvenile delinquent housed at the Lansing Residential Facility in Lansing, New York, who was a potential witness for the prosecution against one of Mr. Rodriguez's clients in a criminal case. On June 21, 2013, Mr. Rodriguez self-surrendered, was charged with two counts of Criminal Impersonation in the second degree, appeared in court and was released on an appearance ticket.

We do not see that this case against Mr. Rodriguez presents a conflict with his representation of the defendant here, Xia Ping Wen. This Office will have no involvement in the state court case against Mr. Rodriguez (which also lies outside the Southern District of New York). However, the Government has no objection to a conference at which the Court may allocute the defendant to determine whether the defendant has any issue with Mr. Rodriguez's representation in this matter.

Respectfully submitted,

PREET BHARARA
United States Attorney

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cc: John M. Rodriguez, Esq. (by ECF)